

FORM PTO-1390
(REV. 10-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

A-68285/RMS/DHR

U.S. APPLICATION NO. (If known, sect 37 C.F.R. 1.5)

09/762491

INTERNATIONAL APPLICATION NO.

PCT/US99/17776

INTERNATIONAL FILING DATE

06 August 1999 (06.08.99)

PRIORITY DATE CLAIMED

06 August 1998 (06.08.98)

TITLE OF INVENTION

Novel Apoptosis Proteins

APPLICANT(S) FOR DO/EO/US

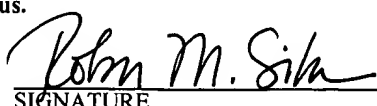
Rigel Pharmaceuticals, Inc.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)).
4. ☐ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau. (See enclosed form PCT/IB/308)
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 16 below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information:

U.S. APPLICATION NO. (If known, see 37 CFR 1.491) 09/762491		INTERNATIONAL APPLICATION NO. PCT/US99/17776		ATTORNEY'S DOCKET NUMBER A-68285/RMS/DHR	
17. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1000.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$750.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$710.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =				CALCULATIONS	PTO USE ONLY
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	26	-20 =	6	X \$18.00	108.00
Independent claims	4	-3 =	1	X \$80.00	80.00
Multiple dependent claims (if applicable)				+ \$270.00	\$270.00
TOTAL OF ABOVE CALCULATIONS =				1,338.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$669.00	
SUBTOTAL =				669.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	\$
TOTAL NATIONAL FEE =				669.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$
TOTAL FEES ENCLOSED =				669.00	
				Amount to be:	
				refunded	\$
				charged	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>669.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. <u>06-1300</u> in the amount of \$ _____ to cover the above fees. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-1300</u> (Order No. <u>A-68285/RMS/DHR</u>).					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: Robin M. Silva, Esq. FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP Four Embarcadero Center, Suite 3400 San Francisco, California 94111-4187 Telephone: (415) 781-1989					
				 SIGNATURE	
				Robin M. Silva NAME	
				38,304 REGISTRATION NUMBER	

09/762491

JC03 Rec'd PCT/PTO

06 FEB 2001

PATENT

Attorney Docket No.: A-68285/RMS/DHR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ying Luo, et al.

NATIONAL PHASE ENTRY OF:
PCT/US99/17776

Serial No.: Not Yet Assigned

Filed: Herewith

For: *Novel Apoptosis Proteins*

Assistant Commissioner for Patents
BOX PCT
Washington, DC 20231

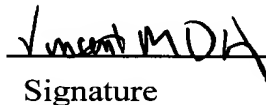
Sir:

EXPRESS MAIL CERTIFICATION UNDER 37 CFR §1.10

I hereby certify that this New Application and the documents listed below and referred to as enclosed herein are being deposited with the United States Postal Service on this date February 6, 2001 in an envelope bearing "Express Mail Post Office To Addressee" Mailing Label Number EL 605 085 256 US addressed to: Assistant Commissioner for Patents **Box PCT**, Washington, D.C. 20231.

Vincent Diaz

Person Mailing


Signature

The following documents are enclosed herein for filing in the above-identified new application:

1. Transmittal Letter to the U.S. Designated/Elected Office;
2. IB/308;

09762491-050901

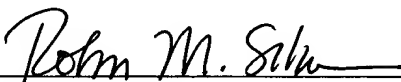
Serial No.: Not Assigned
Filed: HEREWITH

09/762491
JC03 Rec'd PCT/PTO 06 FEB 2001

3. Preliminary Amendment
4. Our check in the amount of \$669.00

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP



Robin M. Silva
Reg. No. 38,304

FLEHR HOHBACH TEST
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Dated: 6 February 2001

09/762491-050901